

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-6 and 8-45 are pending in this application. Claims 1 and 17-21 are independent claims. Claims 1-21 are amended, and claim 7 is canceled. Claims 22 to 45 are new

Applicants acknowledge with appreciation the Examiner's indication that the drawings have been accepted by the United States Patent and Office (USPTO); that certified copies of the priority documents have been received; and that the references included in the Information Disclosure Statement filed November 30, 2004 have been considered.

**Claim Rejections**  
**Rejections under 35 U.S.C. §101**

Claims 1-17 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

Applicants respectfully submit that the Examiner has incorrectly characterized the recording medium as storing **nonfunctional** descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between "nonfunctional descriptive material" and "functional descriptive material". In particular, MPEP § 2106.01 states the following.

In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5<sup>th</sup> ed. 1993).) "Nonfunctional descriptive material" includes but is not limited music, literary works and a compilation or mere arrangement of data. (emphasis added).

Accordingly, Applicants respectfully submit that a “a computer-readable medium having a data structure for managing reproduction of still pictures” as recited in independent claim 1 is a recording medium storing **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” Accordingly, because the computer readable medium recited in claim 1 includes a data structure having a navigation area allowing reproduction of first and second files stored in a separate data area, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

**Rejections under 35 U.S.C. §102 – Ando et al.**

Claims 1-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,054,545 (“Ando et al.”). This rejection is respectfully traversed.

Initially, Applicants note that Ando is directed towards the recording, editing and playing back audio information. In particular, Ando is directed towards the recording and playback of audio information consistent with both the DVD specification and Audio Recording specification as mentioned in column 1, lines 44-48. As shown in FIG. 1 of Ando the data area 112 includes the management information recording area 130, the VR\_MOVIE object recording area 131, the

AR\_STILL picture object recording area 132, the AR\_AUDIO object recording area 133 and the AR\_REAL-TIME text object recording area 134. As such, the management information recording area 130 includes management information relating to each of the VR\_MOVIE object recording area 131, the AR\_STILL picture object recording area 132, the AR\_AUDIO object recording area 133 and the AR\_REAL-TIME text object recording area 134.

In light of the above, Applicants submit the management information of Ando is included in the data area 112 of the disc and is not included in a separate navigation area. Further, Applicants submit that Ando does not describe two different entry point maps, much less the specific features of the two different entry point maps recited in amended independent claim 1. As such, Ando fails to disclose, teach or suggest “**a navigation area storing** at least one playlist, **a first entry point map and a second entry point map**, the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for reproducing at least one still picture from a first file, the sub-playitem providing navigation information for reproducing audio data from a second file, **the first entry point map including at least one entry point pointing to the still picture, and the second entry point map including at least one entry point pointing to the audio data;** and a data area storing the first and second files, **the data area being separate from the navigation area**,” as recited in amended independent claim 1.

Further, amended independent claims 17-21 includes features somewhat similar to amended independent claim 1 and thus, are believed to be allowable over Ando for somewhat similar reasons.

Therefore, Applicants respectfully request that the rejections of independent claims 1 and 17-21, as well as all claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

**New Claims 22-45**

Applicants submit that the new dependent claims 22-45 are similar to dependent claims 8-13 and thus, is believed to be allowable for reasons similar to those mentioned above.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

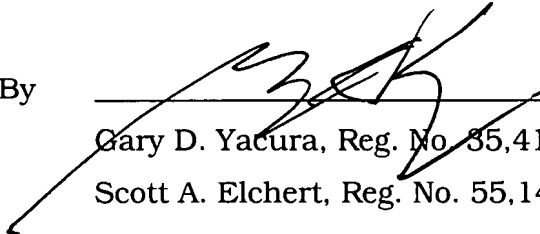
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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